

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/668,991	GRAHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Satya B. Sastri	1713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on march 2, 2007.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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***EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE***

1. All previous rejections have been overcome by the amendment filed on March 2, 2007 and the rejections are withdrawn. ***Claims 1-11*** are now pending in the application with claims 8 and 11 being withdrawn from further consideration as being drawn to non-elected inventions.

***Election/Restrictions***

2. Claim 1 is directed to an allowable process. Therefore, claims 8 and 11, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 8/3/05 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kevin Dobson on April 26, 2007.

The application has been amended as follows:

- In *claim 1*, line 1, replace "A method of using a coating composition containing..." by "A method of applying a coating composition to an automobile or truck body, said coating composition containing..."
- In *claim 7*, delete lines 5-7 within parenthesis.
- In *claim 10*, replace "with the composition of claim 1" by "by the method of claim 1".

4. In view of the amendment, all previous rejections are withdrawn. Additionally, upon further consideration, the restriction requirement as presented in office action dated 8/3/05 is withdrawn. All claims include the subject matter of allowable claim 1 and thus, all claims are rejoined with group I invention and examined for patentability.

### *Reasons For Allowance*

5. *Claims 1-11* are allowed.

6. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to JP-11-100797 A ('797, Machine translation) and JP2003-129003A ('003, Machine translation).

The present claims are directed to a method of applying a coating composition containing about 45-90% by wt. of film forming binder and 10-55% by wt. of an organic liquid carrier; wherein the binder comprises: (A) about 10 to 90% by weight, based on the weight of the binder, of a film-forming fluorinated organosilane polymer consisting essentially of about 5 to 98% by weight, the wt. of the polymer, of polymerized ethylenically unsaturated monomers which do not contain a silane or a fluorine functionality, about 1.5 to 70% by weight, based on the of the polymer, of ethylenically unsaturated monomers which contain a silane functionality and about 0.5-25% by weight, based on the weight of the polymer, of polymerized ethylenically unsaturated monomers which contain a fluorine functionality, (B) about 0 to 60%, based on the weight of the binder, of a non-aqueous dispersed polymer, and (C) about 10 to 90% by weight, based on the weight of the binder, of an crosslinking agent selected from one or both of an organic polyisocyanate and or melamine crosslinking agent, wherein, said method comprises applying said composition to automobile or truck body as a top coat, wherein said topcoat is applied over a basecoat, or (ii) as a clearcoat, and wherein said clearcoat is formulated as a one package system.

'797 discloses a copolymer (A) derived from (a) unsaturated fluorine-containing monomer, (b) unsaturated polyorganosiloxane monomer and (c) unsaturated monomer with crosslinkable functional group and (d) other unsaturated monomers. The total weight of (a) and

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(b) may range from 1-80 weight%, monomer (c) may range from 10-80 weight% and (d) may range from 0-89 weight%. Useful fluorine-containing monomers (a) are disclosed in paragraph 0006, silicon-containing monomers (b) and (c) in paragraphs 0008 and monomer (d) in paragraph 0013. As the solvent for polymerization, various alcohols and ethers are disclosed in paragraphs 0015 and 0028. Additionally, the compositions may include another polymer (b) mostly derived from monomers (c) and (d, paragraph 004). As crosslinkers, melamine resins and polyisocyanates are disclosed in paragraph 0017 and may be used in amounts ranging from 1 to 500 weight% per 100 parts of the resin. The molecular weight of the two polymers (A) and (B) may range from 2,000-100,000.

Prior art to '003 discloses coating material containing vinyl-copolymer resin (A) obtained by copolymerization of fluorine-containing unsaturated monomer (a), alkoxy silyl group containing unsaturated monomer (b), functionalized unsaturated monomers (c) and (d) and other unsaturated monomer (e); and crosslinker (B) which has a functional group capable of reacting with a hydroxyl group (pages 2-3, claim 1). Examples of perfluoroacrylate monomer are disclosed on page 5, claim 3 and paragraph 0010. The coating composition is disclosed for coating aluminum substrates (paragraph 0002). Alkoxy silyl group-containing unsaturated monomers are disclosed in paragraph 0011. Other functionalized monomers (c) and (d) are exemplified in paragraphs 0012 and 0013 while unsaturated monomer (e) is elaborated in paragraph 0014. The disclosed ratio of the unsaturated monomers in paragraph 0015 are 0.1 to 20 weight% of (a), 0.1 to 20 weight% of (b), 5-25 weight% of each of (c) and (d), and

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50-80 weight% of (e). Crosslinker (B) may be a melamine or polyisocyanate resin used in amounts ranging from 15-40 parts per 10 parts of the composition (paragraphs 0017-0020). Working example in paragraph 0027 discloses the polymer with a molecular weight of 20,000 in isopropanol with a solid content of 1 to 55 weight% solid.

Neither art of record discloses the coating composition applied to a truck or automobile as a topcoat applied over a basecoat. '797 discloses a composition as being useful as paper coating while prior art to '003 discloses the use of the coating composition on anodized aluminum as a primer. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering obvious, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Future Correspondence***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112. The examiner can be reached on Wednesdays and Fridays, 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular

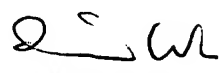
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communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SATYA SASTRI

April 25, 2007

  
DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700